

A. Thomson Vs. Emperor

A. Thomson Vs. Emperor

SooperKanoon Citation : sooperkanoon.com/866359

Court : Kolkata

Decided On : Sep-15-1908

Reported in : 4Ind.Cas.590

Judge : Sharf-ud-din and ;Coxe, J.

Appellant : A. Thomson

Respondent : Emperor

Judgement :

1. This is a Rule on the District Magistrate of the Manbhoom to show cause why the order of the Sub-Divisional Magistrate of Gobindpur, dated the 22nd July 1908, directing one Mr. Thomson not to sink a certain pit should not be set. aside.

2. It appears that on the 2nd July 1908, the Sub-Divisional Magistrate issued an order to Mr. Thomson and another directing them not to proceed further with the sinking of the pit and the order ends up with the words 'cause to be shown on the 16th July 1908 against this order.' Cause was subsequently shown, and finally the order complained of was passed on the 22nd July.

3. It appears to us, however, perfectly clear that the order of 2nd July was an order under Section 144, Criminal Procedure Code, and the Sub-Divisional, Magistrate had no (sic) to extend the period of two months prescribed by that section by repeating the order on the 22nd July 1908. The operation of the order, therefore, expired on the 2nd September, 1908, and to-day being the 15th of the same

month, no further orders are necessary.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com